

REMARKS / ARGUMENTS

The action by the Examiner in this application, together with the references cited by him, have been given careful consideration. Following such consideration, claims 8, 9 and 12-17 have been canceled, and new claims 19-22 have been added. New claim 19 is a product-by-process claim that defines the claimed multi-cell lithium-ion battery by the steps in which the battery is made. It is respectfully submitted that product-by-process claims are permitted as indicated by MPEP Section 2173.05(p).

Claim 19 now defines the multi-cell lithium-ion polymer battery by means of the steps by which it is made. More specifically, step b) defines how the battery is formed by “gathering said current collector tabs into a stack at a location offset from said cell body, said location being outside an area defined between said upper surface and said lower surface of said cell body.” The current collector tabs are then compressed and welded together to form a tab weldment at “said location.” Support for the foregoing limitations may be found in paragraphs [0043] and [0046] of the specification.

It is respectfully submitted that none of the prior art teaches, suggests or shows gathering current collector tabs into a stack at a location offset from the cell body and then compressing and welding the ends of said tabs at said location to form a tab weldment. The tab weldment is then folded about an axis within an “area defined by said upper and lower planar surfaces” of the cell body. None of the cited references, alone or together, teaches, suggests or shows such a method of joining current collector tabs to form a tab weldment and a polymer battery.

Attached hereto is an Affidavit of Dr. Michael A. Centanni indicating that a polymer battery formed by the aforementioned process would be unlike the batteries disclosed in the prior art, and that such a structure would be identifiable and would provide the benefit of reducing the

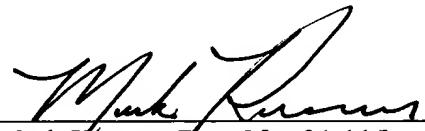
Application No. 09/827,985
Amendment dated August 23, 2004
RESPONSE TO OFFICE ACTION dated May 3, 2004

strain of the lowermost current collector tabs when the battery is formed. Applicant respectfully submits that a multi-cell lithium-ion or lithium-ion polymer battery defined by the product-by-process claim 19 is distinguishable and patentable over the art of record. Favorable action is therefore respectfully requested.

It is also respectfully requested that if the Examiner finds patentable subject matter with respect to claims 19-22, that claims 1-7, directed to a method of joining current collector tabs, be reinserted into the application as being directed to the same patentable subject matter. For the same reasons set forth above, none of the cited references, alone or together, teaches, suggests or shows the method shown in claims 1-7.

If there are any fees necessitated by the foregoing communication, please charge such fees to our Deposit Account No. 50-0537, referencing our Docket No. PD7323US.

Respectfully submitted,



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Date: August 23, 2004

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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any paper referenced as being attached or enclosed) is being deposited on the below date with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **MAIL STOP AMENDMENT**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 23, 2004



Christine Goellner